

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

ALLEN NELMS, §  
Plaintiff, §  
v. § CIVIL ACTION NO. 3:07-CV-1870-B  
THE CITY OF WAXAHACHIE, et al., §  
Defendants. §

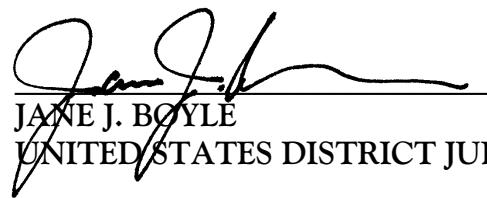
**ORDER ADOPTING THE MAGISTRATE JUDGE'S  
FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS**

Before the Court are the Magistrate Judge's Findings, Conclusions, and Recommendation on Defendants' Rule 12(b)(6) Motion to Dismiss, or in the Alternative, Rule 56 Motion for Summary Judgment (doc. 34). Plaintiff has failed to object to the Magistrate Judge's findings and recommendations within ten days as proscribed by FED. R. CIV. P. 72(b)(2). In the absence of objections, the Court reviews the Magistrate Judge's finding and recommendations for clear error. FED. R. CIV. P. 72(b)(3) advisory committee notes 1983 addition ("When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation").

After making an independent review of the pleadings, files and records in this case, and the Findings, Conclusions, and Recommendation of the United States Magistrate Judge, the Court is of the opinion that the Findings, Conclusions, and recommendations are correct and free of clear error. It is therefore **ORDERED** that the Findings, Conclusions and Recommendation of the United States Magistrate Judge are **ADOPTED**.

SO ORDERED.

SIGNED December 16, 2008



JANE J. BOYLE  
UNITED STATES DISTRICT JUDGE